

JOHN J. MENCHACA
835 WILSHIRE BLVD
SUITE 300
LOS ANGELES, CA 90017
(213) 683-3317
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re: CALDERON, ALEXANDER

§ Case No. 2:12-BK-29726-BR

§

§

Debtor(s)

§

§

TRUSTEE'S FINAL REPORT (TFR)

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed on June 05, 2012. The undersigned trustee was appointed on April 10, 2014.
2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.
4. The trustee realized the gross receipts of \$ 162,075.54

Funds were disbursed in the following amounts:

Payments made under an interim distribution	<u>0.00</u>
Administrative expenses	<u>0.00</u>
Bank service fees	<u>833.75</u>
Other payments to creditors	<u>0.00</u>
Non-estate funds paid to 3rd Parties	<u>82,060.42</u>
Exemptions paid to the debtor	<u>0.00</u>
Other payments to the debtor	<u>0.00</u>
Leaving a balance on hand of ¹	\$ <u>79,181.37</u>

The remaining funds are available for distribution.

¹ The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. § 326(a) on account of the disbursement of the additional interest.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

6. The deadline for filing non-governmental claims in this case was 07/14/2014 and the deadline for filing governmental claims was 12/03/2012. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$7,250.76. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$0.00 as interim compensation and now requests the sum of \$7,250.76, for a total compensation of \$7,250.76.² In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$137.42, for total expenses of \$137.42.²

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 12/27/2015 By: /s/JOHN J. MENCHACA
Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

² If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D)

Form 1
Individual Estate Property Record and Report
Asset Cases

Case Number: 2:12-BK-29726-BR

Trustee: (007950) JOHN J. MENCHACA

Case Name: CALDERON, ALEXANDER

Filed (f) or Converted (c): 06/05/12 (f)

Period Ending: 12/27/15

§341(a) Meeting Date: 07/09/12

Claims Bar Date: 07/14/14

Ref. #	1 Asset Description (Scheduled And Unscheduled (u) Property)	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property <u>Abandoned</u> OA=§554(a)	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	REAL PROPERTY 298 W. 18TH Street, Upland, CA	900,000.00	0.00		0.00	FA
2	BANK ACCOUNTS Checking Account - Chase Bank	300.00	0.00		0.00	FA
3	HOUSEHOLD GOODS AND FURNISHINGS	5,000.00	0.00		0.00	FA
4	WEARING APPAREL	1,000.00	0.00		0.00	FA
5	STOCK AND BUSINESS INTERESTS 100% Common Stock Lexco Imports	0.00	0.00		0.00	FA
6	AUTOMOBILES AND OTHER VEHICLES 2010 Mercedes C300	22,000.00	0.00		0.00	FA
7	AUTOMOBILES AND OTHER VEHICLES 2011 Nissan Pathfinder	20,000.00	0.00		0.00	FA
8	LIQUIDATED DEBTS OWING DEBTOR (u) Automobile Club of Southern California pursuant to Claim No. 011195747	0.00	345,000.00		162,075.54	FA
8	Assets Totals (Excluding unknown values)	\$948,300.00	\$345,000.00		\$162,075.54	\$0.00

Major Activities Affecting Case Closing:

REPORTING PERIOD APRIL 1, 2015 - MARCH 31, 2016

On April 28, 2015, a Motion for Order approving compromise of controversy was filed with the Court. By Order entered on June 2, 2015, the Court approved a written settlement agreement (the "Agreement") that was attached as Exhibit 1 to the Motion filed by the Trustee on April 28, 2015 in the Bankruptcy Case. The Agreement provides that the \$162,075.54 shall be divided evenly between the Trustee on the one hand and the Wife on the other hand after deduction for a reasonable sum to be paid to CCC, and with the Estate to receive a \$10,000 credit for the sum already paid to the Debtor by AAA on the Insurance Claim.

Pursuant to the Agreement, the Trustee shall retain \$80,015.12 for the benefit of the Estate.

Pursuant to the Agreement, and upon the Order approving the Stipulation entered on August 19, 2015, the Trustee paid the Wife \$70,015.13 from funds on hand in the Estate in satisfaction of the Trustee's obligation under the Agreement. The Trustee shall also pay CCC \$12,045.29 from the funds on hand in the Estate in satisfaction of CCC's claims against the Estate, the Debtor and the Wife.

PROOF OF CLAIMS:

Trustee has reviewed claims and determined that objections will not be necessary.

ESTATE'S TAXES:

On June 1, 2015, an Order was entered by the Court approving the employment of Menchaca & Company as Accountant.

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REPORTING PERIOD APRIL 1, 2014 - MARCH 31, 2015

The Debtor filed a voluntary chapter 7 petition, schedules (the "Schedules") and statement of affairs in the Bankruptcy Case on June 5, 2012 (the "Petition Date").

The Schedules and Statements of Affairs scheduled personal property (excluding automobiles and cash) of just \$6,000 (the "Apparel, Household Good and Furnishing Unsecured, priority debt of \$70,000.00 and unsecured, non-priority debt of \$66,618.00 scheduled by the Debtor.

A comparison of the Debtor's Schedules I and J showed a monthly income deficit of -\$230.00. The Debtor explained in his Schedule I: "Debtor closed his business Lexco Imports, Inc. in January, 2012. Currently he is working on a deal by deal basis to import export goods. Income is estimate of future earnings."

The Trustee filed a no asset report in the Bankruptcy Case on August 2012. The Debtor received his discharge on September 17, 2012 and the Bankruptcy Case closed on August 16, 2013.

On July 20, 2013 (after the Debtor's discharge but before the Bankruptcy Case closed), a fire loss (the "Fire") occurred at the Debtor's residence at which inter alia personal property was destroyed (the "Insurance Claim"). Since the Fire, the Debtor has submitted inventory of personal property with a claimed replacement cost in excess of \$345,000.

Only \$6,000 in Apparel, Household Good and Furnishings were scheduled, \$345,000, with the difference being undisclosed assets (the "Undisclosed Assets"). The Undisclosed Assets were not disclosed in the Schedules or otherwise brought to the Trustee attention. At the time the Bankruptcy Case was closed, although the Trustee had exercised diligence in examination of the Debtor's affairs, the Trustee was not aware of the Undisclosed Assets.

On April 8, 2014, the Trustee filed an application to reopen the Bankruptcy Case to administer the Funds (the "Application"). The Application was granted by an order entered on April 9, 2014 and the Bankruptcy Case was reopened to administer undisclosed assets.

On March 11, 2015, the Trustee filed a Motion for turnover to the Court of all funds (the "Funds") to be paid by Automobile Club of Southern California pursuant to Claim No. 011195747 (the "Insurance Claim") on AAA policy number CHO 061381564 (the "Policy") from a fire (the "Fire" or "Incident") that took place at 298 W. 18th Street, Upland California 91784 (the "Upland Home") on or about July 20, 2013 for the loss of the Debtor's personality (the "Lost Personality"). As shown below, the Funds are no less than \$162,075.54 to replace the Lost Personality even though the Debtor only scheduled \$6,000 in Apparel, Household Good and Furnishings. Upon receipt of the Funds, the Trustee will file an interpleader adversary proceeding in this Court pursuant to Fed. R. Bankr. P. 7001(2) and 7022 (the "Interpleader" or "Adversary Proceeding") to which the following will be the parties (collectively, the "Interpleader Parties": (i) the Trustee; (ii) the Debtor; (iii) the Debtor's putative spouse Juliana Calderon ("Juliana" or "Wife")¹ and (iv) California Claim Consultants, Inc., a California corporation ("CCC"). As discussed in the attached pleadings, the Trustee is informed that AAA will not oppose the Motion.

PROOF OF CLAIMS:

Claims bar date expired on July 14, 2014 - Last date to file a Governmental claim was December 3, 2012. Trustee will review claims and determine that objections will not be necessary.

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Individual Estate Property Record and Report
Asset Cases

Case Number: 2:12-BK-29726-BR

Trustee: (007950) JOHN J. MENCHACA

Case Name: CALDERON, ALEXANDER

Filed (f) or Converted (c): 06/05/12 (f)

Period Ending: 12/27/15

§341(a) Meeting Date: 07/09/12

Claims Bar Date: 07/14/14

1 Ref. #	2 Asset Description (Scheduled And Unscheduled (u) Property)	3 Petition/ Unscheduled Values	4 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	5 Property <u>Abandoned</u> OA=§554(a)	6 Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets

ESTATE'S TAXES:

Trustee is in the process of employing an accountant

Initial Projected Date Of Final Report (TFR): June 30, 2016

Current Projected Date Of Final Report (TFR): December 27, 2015 (Actual)

Form 2
Cash Receipts And Disbursements Record

Case Number: 2:12-BK-29726-BR

Trustee: JOHN J. MENCHACA (007950)

Case Name: CALDERON, ALEXANDER

Bank Name: Rabobank, N.A.

Taxpayer ID #: **-**7383

Account: *****6866 - Checking Account

Period Ending: 12/27/15

Blanket Bond: \$5,500,000.00 (per case limit)

Separate Bond: N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	5 T-Code	6 Receipts \$	7 Disbursements \$	8 Checking Account Balance
06/24/15	{8}	INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB	Per Order entered on June 2, 2015 Granting the Trustee's Motion to Approve Compromise Under 9019	1229-000	162,075.54		162,075.54
06/30/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		38.85	162,036.69
07/31/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		240.83	161,795.86
08/20/15	101	JULIANA CALDERON	Per Order Entered August 19, 2015	8500-002		70,015.13	91,780.73
08/20/15	102	CALIFORNIA CLAIM CONSULTANTS, INC.	Per Order Entered August 19, 2015	8500-002		12,045.29	79,735.44
08/31/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		207.59	79,527.85
09/30/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		122.03	79,405.82
10/30/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		114.21	79,291.61
11/30/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		110.24	79,181.37

ACCOUNT TOTALS	162,075.54	82,894.17	\$79,181.37
Less: Bank Transfers	0.00	0.00	
Subtotal	162,075.54	82,894.17	
Less: Payments to Debtors		0.00	
NET Receipts / Disbursements	\$162,075.54	\$82,894.17	

Net Receipts :	162,075.54
Less Other Noncompensable Items :	82,060.42
Net Estate :	\$80,015.12

TOTAL - ALL ACCOUNTS	Net Receipts	Net Disbursements	Account Balances
Checking # *****6866	162,075.54	82,894.17	\$79,181.37
	\$162,075.54	\$82,894.17	\$79,181.37

Central District of California *Exhibit C*

Claims Register

2:12-bk-29726-BR Alexander Calderon

Judge: Barry Russell

Office: Los Angeles

Trustee: John J Menchaca (TR)

Chapter: 7

Last Date to file claims: 07/14/2014

Last Date to file (Govt): 12/03/2012

Creditor: (32066376) Continental Bank c/o Ray Garwacki, Jr. Garwacki & Associates 5111 Dahlia Drive Los Angeles, CA 90041	Claim No: 1 Original Filed Date: 07/09/2012 Original Entered Date: 07/09/2012	Status: Filed by: CR Entered by: Ray Garwacki, Jr Modified:
Amount claimed: \$356495.90 <i>Unsecured- Allowed</i>		
History: Details 1-1 07/09/2012 Claim #1 filed by Continental Bank, Amount claimed: \$356495.90 (Garwacki, Ray)		
Description:		
Remarks:		

Creditor: (35112870) The Huntington National Bank Hemar, Rousso & Heald, LLP c/o Raffi Khatchadourian, Esq. 15910 Ventura Boulevard, 12th Floor Encino, CA 91436	Claim No: 2 Original Filed Date: 04/17/2014 Original Entered Date: 04/17/2014	Status: Filed by: AT Entered by: Raffi Khatchadourian Modified:
Amount claimed: \$112470.26 <i>Unsecured- Allowed</i>		
History: Details 2-1 04/17/2014 Claim #2 filed by The Huntington National Bank, Amount claimed: \$112470.26 (Khatchadourian, Raffi)		
Description:		
Remarks:		

Creditor: (32066381) Marcus Family Law Center 732 W. State Street El Centro, CA 92243-2435	Claim No: 3 Original Filed Date: 05/08/2014 Original Entered Date: 05/14/2014	Status: Filed by: CR Entered by: Carla Mitchell Modified:
Amount claimed: \$4793.55 <i>Unsecured- Allowed</i>		
History: Details 3-1 05/08/2014 Claim #3 filed by Marcus Family Law Center, Amount claimed: \$4793.55 (Mitchell, Carla)		
Description:		
Remarks:		

Creditor: (35439823) PYOD, LLC its successors and assigns as assignee of Citibank (South Dakota), N.A. Resurgent Capital Services PO Box 19008 Greenville, SC 29602	Claim No: 4 Original Filed Date: 07/09/2014 Original Entered Date: 07/09/2014	Status: Filed by: CR Entered by: Susan Gaines Modified:
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Amount claimed: \$14376.20	Secured claimed: \$0.00	<i>UNSECURED- ALLOWED</i>
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History:		
Details	4-1	07/09/2014 Claim #4 filed by PYOD, LLC its successors and assigns as assignee, Amount claimed: \$14376.20 (Gaines, Susan)
Description:		
Remarks:		

Creditor: (35444257) Portfolio Recovery Associates, LLC c/o Us Bank POB 41067 Norfolk, VA 23541	Claim No: 5 Original Filed Date: 07/10/2014 Original Entered Date: 07/10/2014	Status: Filed by: CR Entered by: Rosio Rivera-George Modified:
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Amount claimed: \$13107.75	<i>UNSECURED- ALLOWED</i>
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History:		
Details	5-1	07/10/2014 Claim #5 filed by Portfolio Recovery Associates, LLC, Amount claimed: \$13107.75 (Rivera-George, Rosio)
Description:		
Remarks:		

Creditor: (35452258) California Bank & Trust Attn: Theresa Leckey 1900 Main Street, Suite 150 Irvine, CA 92614	Claim No: 6 Original Filed Date: 07/11/2014 Original Entered Date: 07/11/2014	Status: Filed by: CR Entered by: Anthony J Napolitano Modified:
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Amount claimed: \$1306584.82	<i>SECURED DEBT- ASSET NOT ADMINISTERED</i>
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History:		
Details	6-1	07/11/2014 Claim #6 filed by California Bank & Trust, Amount claimed: \$1306584.82 (Napolitano, Anthony)
Description:		
Remarks:		

Claims Register Summary

Case Name: Alexander Calderon
 Case Number: 2:12-bk-29726-BR

Chapter: 7
Date Filed: 06/05/2012
Total Number Of Claims: 6

Exhibit C

Total Amount Claimed*	\$1807828.48
Total Amount Allowed*	

*Includes general unsecured claims

The values are reflective of the data entered. Always refer to claim documents for actual amounts.

	Claimed	Allowed
Secured	\$0.00	0.00
Priority		
Administrative		

*Total unsecured
\$ 501,243.66*

PACER Service Center			
Transaction Receipt			
12/27/2015 12:09:09			
PACER Login:	jm6336:3382040:0	Client Code:	
Description:	Claims Register	Search Criteria:	2:12-bk-29726-BR Filed or Entered From: 12/7/2011 Filed or Entered To: 12/31/2015
Billable Pages:	1	Cost:	0.10

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 2:12-BK-29726-BR
Case Name: CALDERON, ALEXANDER
Trustee Name: JOHN J. MENCHACA

Balance on hand: \$ 79,181.37

Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None					

Total to be paid to secured creditors: \$ 0.00
Remaining balance: \$ 79,181.37

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee, Fees - JOHN J. MENCHACA	7,250.76	0.00	7,250.76
Trustee, Expenses - JOHN J. MENCHACA	137.42	0.00	137.42
Attorney for Trustee, Fees - WESLEY H. AVERY, APC	33,582.50	0.00	33,582.50
Attorney for Trustee, Expenses - WESLEY H. AVERY, APC	340.22	0.00	340.22
Accountant for Trustee, Fees - MENCHACA & COMPANY LLP	2,817.00	0.00	2,817.00
Accountant for Trustee, Expenses - MENCHACA & COMPANY LLP	69.83	0.00	69.83

Total to be paid for chapter 7 administration expenses: \$ 44,197.73
Remaining balance: \$ 34,983.64

Applications for prior chapter fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
None			

Total to be paid for prior chapter administrative expenses: \$ 0.00
Remaining balance: \$ 34,983.64

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$0.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for priority claims: \$ 0.00
Remaining balance: \$ 34,983.64

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$ 501,243.66 have been allowed and will be paid *pro rata* only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 7.0 percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
1	CONTINENTAL BANK, A UTAH CORPORATION	356,495.90	0.00	24,881.16
2	THE HUNTINGTON NATIONAL BANK	112,470.26	0.00	7,849.71
3	MARCUS FAMILY LAW CENTER	4,793.55	0.00	334.56
4	PYOD, LLC	14,376.20	0.00	1,003.37
5	PORTFOLIO RECOVERY ASSOCIATES, LLC	13,107.75	0.00	914.84

Total to be paid for timely general unsecured claims: \$ 34,983.64
Remaining balance: \$ 0.00

Tardily filed claims of general (unsecured) creditors totaling \$ 0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 percent, plus interest (if applicable).

Tardily filed general (unsecured) claims are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				
		Total to be paid for tardy general unsecured claims:		\$ 0.00
		Remaining balance:		\$ 0.00

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$ 0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 percent, plus interest (if applicable).

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				
		Total to be paid for subordinated claims:	\$ 0.00	
		Remaining balance:		\$ 0.00